

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 22, 2005

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, February 22, 2005.

Vice Mayor Larson opened the meeting with a prayer from Commissioner Gawron after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Vice Mayor Bill Larson, Commissioner Chris Carter, Kevin Davis, Stephen Gawron, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kundering.

Absent: Mayor Stephen Warmington (Excused – out of town)

2005-16 HONORS AND AWARDS:

A. 2004 4th Quarter Suggestion Award Winner. CIVIL SERVICE

Vice Mayor Larson presented Mary McGuffey with the 2004 4th Quarter Employee Suggestion Award.

2005-17 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Goal Setting Session that was held on Friday, January 28, 2005; the Commission Worksession and the Community Relations Committee that was held on Monday, February 7, 2005; and the Regular Commission Meeting that was held on Tuesday, February 8, 2005.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Traffic Department Materials and Services 2005. PUBLIC WORKS

SUMMARY OF REQUEST: Contract with the Muskegon County Road Commission for the joint purchase of various Traffic Department materials and services. We have bid out these items with MCRC for the past fifteen years. By bidding together with MCRC and other municipalities we are able to get better unit prices because of larger quantity purchases.

FINANCIAL IMPACT: Sign materials and services to be jointly bid:

Sign blanks	\$800.00 approx.
Sign posts	\$5,800.00 approx.
Sign sheeting	\$1,500.00 approx.
Ready Made Signs	\$3,000.00 aprox.
Centerline painting	\$12,000.00 approx.

Total \$23,100.00 (\$21,800.00 in 2004).

BUDGET ACTION REQUIRED: None, this item is requested each year in the appropriate Highway budgets.

STAFF RECOMMENDATION: Approve the continued joint purchasing with the Muskegon County Road Commission for sign materials and services.

E. FIRST READING: Zoning Ordinance Amendment for Residential Design Criteria. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2319 of Article XXIII (General Provisions) to amend the Residential Design Criteria language regarding minimum storage space in multi-family dwelling units decreasing the minimum required storage space from 15% to 10% in each multi-family dwelling unit.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend language regarding residential design criteria language.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 2/10/05 meeting. B. Mazade, T. Johnson, S. Warmington, T. Michalski, B. Turnquist, J. Aslakson, and L. Spataro voted in favor of the change. B. Smith and T. Harryman were absent.

(Requires Second Reading)

F. FIRST READING: Rezoning Request for Property Located at 1282 Arthur Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property owned by the City of Muskegon, located at 1282 Arthur Street, from RM-1, Low Density Multiple Family Residential to R-1, Single Family Residential.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 2/10/05 meeting. The vote was unanimous with T. Harryman and B. Smith absent.

(Requires Second Reading)

H. Purchase of 218 Catherine. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the purchase of 218 Catherine from the U.S. Dept. of HUD for \$1.00 through its Good Neighbor program. Through the Good Neighbor program, a municipality can purchase a home for one dollar, if a property is on the market for more than six months. After 218 Catherine is obtained, the City will totally rehabilitate the structure and sell it to a qualified family continuing the City's aggressive neighborhood revitalization efforts.

FINANCIAL IMPACT: The dollar will come from the CNS program income fund.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request to purchase the \$1.00 home.

I. Purchase of 461 Marquette. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the purchase of the property located at 461 Marquette (City of Muskegon revised Plat of 1903 Lot 4 Block 13) from Mrs. Mary Buckley of 461 Marquette for the amount of \$5,000. If approved, CNS will solicit bids to rehabilitate the structure at 461 Marquette and later sell the totally rehabilitated home to a qualified low/moderate-income family. Which will continue the City's neighborhood revitalization efforts by returning once blighted and or under used vacant homes to the tax roll and or productive use while eliminating their blighting influence on their specific neighborhoods.

FINANCIAL IMPACT: Funding for the purchase and rehabilitation will be deducted from the City's 2003 HOME funding and the program income accumulated from property sales.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

Motion by Commissioner Davis, second by Commissioner Carter to approve the consent agenda with the exception of items c, d, and g.

ROLL VOTE: Ayes: Davis, Gawron, Larson, Shepherd, Spataro, and Carter

Nays: None

MOTION PASSES

2005-18 ITEMS REMOVED FROM THE CONSENT AGENDA:

C. Budgeted Vehicle Purchases - Six Crown Victorias. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase six 2005 Crown Victorias from Tony Betten and Sons Ford.

FINANCIAL IMPACT: Total cost \$120,777.

BUDGET ACTION REQUIRED: None. Savings on other purchases will offset the cost of the additional cruiser.

STAFF RECOMMENDATION: Approve purchase.

D. Budgeted Vehicle Purchases - Three Taurus Sedans. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase three Taurus sedans from Tony Betten and Sons Ford.

FINANCIAL IMPACT: Total cost \$38,323.95.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve purchase.

Motion by Commissioner Spataro, second by Commissioner Davis to approve the purchase of six 2005 Crown Victorias and three Taurus Sedans from Tony Betten and Sons Ford.

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, Carter, and Davis

Nays: None

MOTION PASSES

G. Rezoning Request for Property Located at 2111 & 2123 McCracken Street and 2117 & 2125 Lakeshore Drive. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 2111 and 2123 McCracken Street and also 2117 and 2125 Lakeshore Drive from R-1 single Family Residential to RM-1 Low Density Multiple-family Residential.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends denial of the request due to lack of compliance with the future land use map, Master Land Use Plan and zoning district intent.

COMMITTEE RECOMMENDATION: The Planning Commission voted to deny the request at their 2/10/05 meeting. Commissioners Spataro, Aslakson, Johnson, Turnquist, Mazade, Michalski & Warmington voted for denial. T. Harryman and B. Smith were absent.

Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Planning Commission to deny the request to rezone the property.

ROLL VOTE: Ayes: Larson, Shepherd, Spataro, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

2005-19 PUBLIC HEARINGS:

A. Request to Establish an Obsolete Property District – 878 Jefferson.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Van Slooten Tree Farms, Inc., 1713 7th Street, Muskegon, Michigan, has requested the establishment of an Obsolete Property District. The district would be located at 878 Jefferson Street, Muskegon, MI. Total capital investment for this project is \$200,000. The project will result in the creation of 20 new jobs in the City.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution establishing an Obsolete Property District for 878 Jefferson Street, Muskegon, MI.

The Public Hearing opened at 5:58 p.m. to hear and consider any comments from the public. No public comments were heard.

Motion by Commissioner Carter, second by Commissioner Shepherd to close the Public Hearing at 6:02 p.m. and establish the Obsolete Property District.

ROLL VOTE: Ayes: Shepherd, Spataro, Carter, Davis, Gawron, and Larson

Nays: None

MOTION PASSES

B. Request to Issue an Obsolete Property Certificate – 878 Jefferson.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Van Slooten Tree Farms, Inc., 1713 7th Street, Muskegon, Michigan, has requested the issuance of an Obsolete Property Certificate for the property located at 878 Jefferson Street, Muskegon, MI. The building will be rehabilitated to house Carmen's Café. Total capital investment for this project is \$200,000. The project will result in the creation of 20 new jobs in the City. Because of these new jobs, the applicant is eligible for an 11 year certificate.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution establishing an Obsolete Property Certificate for 878 Jefferson Street, Muskegon, MI.

The Public Hearing opened at 6:03 p.m. to hear and consider any comments from the public. Comments were heard from Mark VanSlooten, 1713 Seventh Street.

Motion by Commissioner Spataro, second by Commissioner Shepherd to close the Public Hearing at 6:10 p.m. and approve the Obsolete Property Certificate for 11 years.

ROLL VOTE: Ayes: Spataro, Carter, Davis, Gawron, Larson, and Shepherd

Nays: None

MOTION PASSES

C. Create a Special Assessment District for Fair Avenue, Torrent to Addison. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Fair Street, Torrent to Addison project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To create the special assessment and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The Public Hearing opened at 6:11 p.m. to hear and consider any comments from the public. Comments in opposition were heard from Jill LaBash, 1768 Fair Avenue, and Donald Johnson, 1872 Fair Avenue.

Motion by Commissioner Spataro, second by Commissioner Davis to close the Public Hearing at 6:20 p.m.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shepherd, and Spataro

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Gawron to create the Special Assessment District, keeping the width as is, and assign Commissioner Gawron and Commissioner Davis to the Board of Assessors.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shepherd, and Spataro

Nays: None

MOTION PASSES

2005-20 UNFINISHED BUSINESS:

A. Resolution to Designate the Port City Industrial Park as a Neighborhood Enterprise Zone. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve a resolution designating the Port City Industrial Park as a Neighborhood Enterprise Zone.

FINANCIAL IMPACT: There is no direct financial impact in approving the designation of the Port City Industrial Park as a Neighborhood Enterprise Zone.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and authorize the Mayor and Clerk to sign the resolution.

Motion by Commissioner Carter, second by Commissioner Davis to approve the resolution to designate the Port City Industrial Park as a Neighborhood Enterprise Zone.

ROLL VOTE: Ayes: Davis, Gawron, Larson, Shepherd, Spataro, and Carter

Nays: None

MOTION PASSES

2005-21 NEW BUSINESS:

A. Request for Final Planned Unit Development Approval at the Former Muskegon Mall Site, 100 Muskegon Mall. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The request for Final Planned Unit Development (PUD) approval at the former mall site is for a mixed use residential and commercial development. The request is by Chris McGuigan, Downtown Muskegon Development Corporation.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends final approval of the PUD provided that the conditions listed in the resolution are met.

COMMITTEE RECOMMENDATION: The Planning Commission recommended preliminary approval of the PUD, with the conditions listed on the resolution, at their February 10, 2005 meeting. The vote was unanimous.

Motion by Commissioner Shepherd, second by Commissioner Gawron to approve the final Planned Unit Development for the former Muskegon Mall site.

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, Carter, and Davis

Nays: None

MOTION PASSES

B. Final Amendments to 2004 Budget. FINANCE

SUMMARY OF REQUEST: Adoption of the year-end amendments to the City's 2004 Budget to assure compliance with the State *Uniform Budget Act*. This act requires that budgets for "governmental-type" funds (i.e. general fund and special revenue funds) be amended so that expenditures are not reported in the City's audit as exceeding legal appropriations.

FINANCIAL IMPACT: These budget amendments establish the final 2004 authorized revenue estimates and spending limits for the various City departments and funds. The schedule shows how the amended budget varies from the original budget (and subsequent budget reforecasts) previously approved by the City Commission.

BUDGET ACTION REQUIRED: Self-explanatory.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the final amendments to the 2004 Budget.

ROLL VOTE: Ayes: Larson, Shepherd, Spataro, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

**C. Street Construction - 6th Street from Muskegon to Houston.
COMMISSIONER SHEPHERD**

SUMMARY OF REQUEST: To consider reconstruction/resurfacing of 6th Street from Muskegon Avenue to Houston Street.

Motion by Commissioner Shepherd, second by Commissioner Carter to include 6th Street in the 2006 street program and budget.

ROLL VOTE: Ayes: Shepherd, Spataro, Carter, Davis, Gawron, and Larson

Nays: None

MOTION PASSES

2005-22 CLOSED SESSION: To discuss pending litigation.

Motion by Commissioner Carter, second by Commissioner Shepherd to go into Closed Session at 7:38 p.m.

ROLL VOTE: Ayes: Spataro, Carter, Davis, Gawron, Larson, and Shepherd

Nays: None

MOTION PASSES

Motion by Commissioner Shepherd, second by Commissioner Carter to go into Open Session at 7:51 p.m.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shepherd, and Spataro

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 7:52 p.m.

Respectfully submitted,

Gail A. Kunding, MMC
City Clerk